

TOWN OF LOS GATOS



PLANNING COMMISSION MEETING ACTION MINUTES TOWN COUNCIL CHAMBERS 110 E. MAIN STREET WEDNESDAY, MARCH 28, 2007 -- 7:00 P.M.

Please refer to compact disk # 03-28-07 to hear the entire proceedings of this meeting.

ROLL CALL:

Present: Joanne Talesfore, Chair; D. Michael Kane, Vice Chair; John Bourgeois, Thomas O'Donnell, Stephen M. Rice and Marico Sayoc

Absent: Phil Micciche (excused)

Others: Assistant Community Development Director Randy Tsuda, Associate Planner Joel Paulson, Assistant Planner Guido Persicone, Associate Civil Engineer Fletcher Parsons and Town Attorney Orry Korb

SUB-COMMITTEE REPORTS - NONE

VERBAL COMMUNICATION

Ray Davis Commented on the meeting minutes of March 14, 2007 and the discussion under Commission Matters to agendaize for a future meeting the DRC procedure and process. Mr. Davis stated there was a motion and second by Commission on this item.

APPROVAL OF MINUTES

March 14, 2007 - Motion by Commissioner Rice and seconded by Commissioner O'Donnell to approve meeting minutes with direction to staff to review the audio of the meeting to check the comment made by Mr. Davis. (After reviewing the audio of the meeting of March 14, 2007 of discussion under Commission Matters, there was no motion or second by Commission. This was a consensus vote only.)

CONSENT CALENDAR - NONE

Commissioner Sayoc recused from Item 1.

CONTINUED PUBLIC HEARING

ITEM 1 **15200 Los Gatos Boulevard**
Planned Development Application PD-06-005
Negative Declaration ND-07-09

Requesting approval to change zoning from CH to CH:PD, merge lots, and construct a new commercial building on properties zoned CH. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended APNS: 424-17-038 and 041
PROPERTY OWNER: John Aiassa/Westwood Company-Hamlin, LLC
APPLICANT: Hwai Chen & Kenneth Rodriguez/Kenneth Rodriguez & Partners
(Continued from March 14, 2007)

PUBLIC TESTIMONY by John Aiassa, Anthony Morici, Lucinda Van Bruggen, Brad Krouskup, Jeff Rose, Ray Davis, Karen Leskashman, Amy Despars, Jan Olsen, Jeffrey Scott, Rick Bawden, Mark Von Kaenel. David Greene and Michael Smythe.

MOTION: Motion by Commissioner Rice and seconded by Commissioner Kane to recommend approval of the PD application and the Negative Declaration with the following considerations:

- 1) required setbacks must be adhered to;
- 2) preserve tree #26 and maintain the minimum setback of 10' from the tree as recommended by the Consulting Arborist;
- 3) finger islands should be used;
- 4) southerly entrance shall be one way entrance only until such time as the northerly access is no longer viable;
- 5) Architecture and Site application shall be reviewed by the Planning Commission.

Upon advice of the Town Attorney and recommended options, motion is withdrawn since this is a Planned Development application only.

Motion by Commissioner Bourgeois and seconded by Commissioner Kane to continue to a date certain of April 25, 2007 with the following directions:

- 1) required setbacks must be adhered to;
- 2) preserve tree #26 and maintain the minimum setback of 10' from the tree as recommended by the Consulting Arborist;
- 3) finger islands should be used;
- 4) southerly entrance shall be one way entrance only until such time as the northerly access is no longer viable;
- 5) Architecture and Site application shall be reviewed by the Planning Commission;
- 6) All trees recommended to be saved by the Consulting Arborist shall be saved;

7) Look at 45 degree angle on the corner of the building at Lark and Los Gatos Boulevard to improve safety concern.

Motion carried 5-0 with Commissioner Sayoc recused and Commissioner Micciche excused.

NEW PUBLIC HEARINGS

ITEM 2 **237 Almendra Avenue**
Conditional Use Permit U-07-012

Requesting approval to convert an office to a single family residential unit on property zoned O-LHP. APN 510-14-040.

PROPERTY OWNER: Thomas Davies Family Partnership

APPLICANT: Clyde Stitler

245 Almendra Avenue
Conditional Use Permit U-07-017
Variance Application V-07-142

Requesting approval of a Conditional Use Permit to convert an office to a single family residential unit and a Variance to eliminate onsite parking spaces from the Parking Assessment District on property zoned O-LHP. APN 510-14-041.

PROPERTY OWNER: Thomas Davies Family Partnership

APPLICANT: Clyde Stitler

PUBLIC TESTIMONY by Terry McElroy, Chris Southard and Lee Quintana.

MOTION: Motion by Commissioner Kane and seconded by Commissioner Sayoc to approve Conditional Use Permit U-07-012, U-07-017 and Variance Application V-07-142. The required findings were made as noted in Exhibits A and B of report dated March 23, 2007 and the application incorporated conditions as noted in Exhibits C and D of report dated March 23, 2007.

Motion carried 6-0 with Commissioner Micciche excused.

Appeal rights recited by Mr. Korb.

(Item 3 moved to the end of the public hearings.)

ITEM 4 **140 W. Main Street, Suite C**
Conditional Use Permit U 07-018

Requesting approval for a personal service business (Skin Spa) on property zoned C-2:LHP

PROPERTY OWNER: Paul Dorsa

APPLICANT: Olivia Howard

PUBLIC TESTIMONY by Richard Lane and Olivia Howard.

MOTION: Motion by Commissioner O'Donnell and seconded by Commissioner Kane to approve Conditional Use Permit U-07-018. The required findings were made as noted in Exhibit A of report dated March 23, 2007 and the application incorporated conditions as noted in Exhibit B of report dated March 23, 2007.

Motion carried 5-1 with Commissioner Talesfore dissenting and Commissioner Micciche excused.

Appeal rights recited by Mr. Korb

ITEM 5 **50 University Avenue Space D210**
Conditional Use Permit U-07-23

Requesting approval of a modification of a Conditional Use Permit to expand an existing formula retail store (White House/Black Market) into an existing formula retail space (Papyrus) within the Old Town Shopping Center on property zoned C-2:PD:LHP. APN 529-02-044

PROPERTY OWNER: Federal Realty Investment Trust

APPLICANT: D.A. Ley and Associates (White House/Black Market)

PUBLIC TESTIMONY by David Marcovitz.

MOTION: Motion by Commissioner O'Donnell and seconded by Commissioner Rice to approve Conditional Use Permit U-07-23. Motion failed 3-3 with Commissioners Sayoc, Talesfore and Bourgeois dissenting. Commissioner Sayoc asked for further comments from other Commissioners.

Motion by Commissioner Rice and seconded by Commissioner Kane to approve Conditional Use Permit U-07-23. The required findings were made as noted in Exhibit A of report dated March 22, 2007 and the application incorporated conditions as noted in Exhibit B of reported dated March 22, 2007.

Motion passed 4-2 with Commissioners Talesfore and Bourgeois dissenting and Commissioner Micciche excused.

Appeal rights recited by Mr. Korb.

ITEM 3 **15350 Suview Drive**
Architecture and Site Application S-06-066

Requesting approval to modify an approved Architecture & Site application relating to grading and landscape improvements on property zoned HR-2 ½. APN 537-24-013

PROPERTY OWNER/APPLICANT: Charles Hackett

PUBLIC TESTIMONY: None

COMMENTS by: Charles Hackett, Mark Beaudoin, Robert Steuer and Charles Kilian.

Motion by Commissioner Bougeois to continue the meeting past 11:30pm to continue hearing on Item 3. Died for lack of a second.

MOTION: Motion by Commissioner Rice to continue to April 11, 2007 and seconded by Commissioner O'Donnell so that public testimony can be heard by Commissioner Micciche (excused tonight) on the night of the continued hearing. Commissioner Kane commented he wanted those in attendance at this meeting to be heard tonight. Maker of the motion wouldn't accept.

Motion failed 1-5.

Motion by Commissioner Sayoc and seconded by Commissioner Kane to extend the meeting to 12:00 AM to allow time for those who could not attend the next meeting to speak and continue the item to April 11, 2007. Chair Talesfore polled those in attendance who didn't speak tonight and all can attend the next hearing.

Motion passed 6-0 with Commissioner Micciche excused.

CONTINUED OTHER BUSINESS - NONE

NEW OTHER BUSINESS

Report from Director of Community Development - None

Commission Matters - Chair Talesfore, Commissioners Sayoc and Bourgeois commented on the League of California Cities/Planners Institute Conference and thanked the Town for sending them

ADJOURNMENT

Chair Talesfore adjourned the meeting at approximately 11:40 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION
March 28, 2007

Joanne Talesfore, Chair

APPROVED AS TO FORM AND ATTEST:

Randy Tsuda
Assistant Director of Community
Development

Bud N. Lortz
Director of Community Development
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